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3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

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6 Michael Keklikian dba Renters Warehouse  
7 Nevada, LLC,

8 Plaintiff,

9 v.

10 DeAnn Johnson and Christa Hicks,

11 Defendants.

Case No. 2:23-cv-01230-RFB-DJA

**Order**

12 Pro se Defendants DeAnn Johnson and Christa Hicks<sup>1</sup> filed an application to proceed *in*  
13 *forma pauperis*. (ECF No. 2). However, the application is missing certain information. The  
14 Court thus denies the application without prejudice.

15 **I. Discussion.**

16 Under 28 U.S.C. § 1915(a)(1), a plaintiff may bring a civil action “without prepayment of  
17 fees or security therefor” if the plaintiff submits a financial affidavit that demonstrates the  
18 plaintiff “is unable to pay such fees or give security therefor.” The Ninth Circuit has recognized  
19 that “there is no formula set forth by statute, regulation, or case law to determine when someone  
20 is poor enough to earn [*in forma pauperis*] status.” *Escobedo v. Applebees*, 787 F.3d 1226, 1235  
21 (9th Cir. 2015). An applicant need not be destitute to qualify for a waiver of costs and fees, but  
22 he must demonstrate that because of his poverty he cannot pay those costs and still provide  
23 himself with the necessities of life. *Adkins v. E.I DuPont de Nemours & Co.*, 335 U.S. 331, 339  
24 (1948).

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28 <sup>1</sup> Defendants have attached a document titled “Notice of Removal Pursuant to 28 USC 1446” to  
their application to proceed *in forma pauperis*.

1 The applicant's affidavit must state the facts regarding the individual's poverty "with  
2 some particularity, definiteness and certainty." *United States v. McQuade*, 647 F.2d 938, 940  
3 (9th Cir. 1981) (citation omitted). If an individual is unable or unwilling to verify his or her  
4 poverty, district courts have the discretion to make a factual inquiry into a plaintiff's financial  
5 status and to deny a request to proceed *in forma pauperis*. See, e.g., *Marin v. Hahn*, 271  
6 Fed.Appx. 578 (9th Cir. 2008) (finding that the district court did not abuse its discretion by  
7 denying the plaintiff's request to proceed *in forma pauperis* because he "failed to verify his  
8 poverty adequately"). "Such affidavit must include a complete statement of the plaintiff's  
9 personal assets." *Harper v. San Diego City Admin. Bldg.*, No. 16-cv-00768 AJB (BLM), 2016  
10 U.S. Dist. LEXIS 192145, at \*1 (S.D. Cal. June 9, 2016). Misrepresentation of assets is sufficient  
11 grounds for denying an *in forma pauperis* application. Cf. *Kennedy v. Huibregtse*, 831 F.3d 441,  
12 443-44 (7th Cir. 2016) (affirming dismissal with prejudice after litigant misrepresented assets on  
13 *in forma pauperis* application).

14 Defendant DeAnn Johnson has partially answered Question 2 and answered Question 3  
15 but has not answered any other questions. On the docket, Johnson includes an address. The  
16 Court takes judicial notice of the fact that public records reveal the address is an apartment  
17 complex. Johnson does not provide any details in the application regarding how she pays rent,  
18 how she pays utilities or other bills, or how she lives considering her claim to have no money and  
19 no bills. The Court finds that Johnson has omitted information from the application. As a result,  
20 the Court cannot determine whether Johnson qualifies for *in forma pauperis* status.

21 The Court will give Johnson one opportunity to file a complete *in forma pauperis*  
22 application. The Court further orders that Johnson may not respond with a zero or "not  
23 applicable" in response to any question without providing an explanation for each of the  
24 questions. Johnson also may not leave any questions blank. Johnson must describe each source  
25 of money that she receives, state the amount she receives, and what she expects to receive in the  
26 future.

27 The Court denies Johnson's *in forma pauperis* application without prejudice. The Court  
28 gives Johnson 30 days to file an updated application. Johnson must fully answer all applicable

1 questions and check all applicable boxes. Johnson may alternatively pay the filing fee in full.  
2 Since the Court denies Johnson's application, it does not screen the complaint at this time.

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4 **IT IS THEREFORE ORDERED** that Johnson's application to proceed *in forma*  
5 *pauperis* (ECF No. 2) is **denied without prejudice**.

6 **IT IS FURTHER ORDERED** that Johnson has until **September 20, 2023** to file an  
7 updated application to proceed *in forma pauperis* as specified in this order or pay the filing fee.  
8 Failure to timely comply with this order may result in a recommendation to the district judge that  
9 this case be dismissed.

10 **IT IS FURTHER ORDERED** that the Clerk of Court is kindly directed to mail Johnson  
11 a copy of this order and of the Short Form application to proceed *in forma pauperis* and its  
12 instructions.<sup>2</sup>

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14 DATED: August 21, 2023

15   
16 DANIEL J. ALBREGTS  
17 UNITED STATES MAGISTRATE JUDGE  
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28 <sup>2</sup> This form and its instructions can also be found at <https://www.nvd.uscourts.gov/court-information/forms/> under Code AO 240.